

Meeting Date: 01/25/2011

Resolution #: 01/06/2011

**RESOLUTION ON ENVIRONMENTAL DETERMINATION AND FINDINGS  
REVISED RIVERFRONT DEVELOPMENT CONCEPT PLAN PURSUANT TO  
SECTION 62-5.1 OF THE SLEEPY HOLLOW CODE FOR THE LIGHTHOUSE  
LANDING RIVERFRONT DEVELOPMENT**

**Whereas**, in February 2003 the General Motors Corporation (the "GM Corp."), the beneficial owner of an approximately 94.5-acre parcel of property located on the site of the former General Motors Automotive Assembly Plant at 199 Beekman Avenue, Sleepy Hollow, New York (the "Site"), and Roseland/Sleepy Hollow LLC, a designated redeveloper (collectively, the "Applicants"), submitted an application to the Board of Trustees of the Village of Sleepy Hollow (the "Board of Trustees"), for a Special Permit and Riverfront Development Concept Plan (RDGP) approval pursuant to Section 62-5.1 of the Zoning Code of the Village of Sleepy Hollow (the "RF Zone") in order to construct a mixed-use development project on the Site (the "Project"); and,

**Whereas**, the Board of Trustees, acting as the Lead Agency, in accordance with the New York State Environmental Quality Review Act and the rules and regulations promulgated thereunder ("SEQRA"), conducted a thorough and comprehensive review of the Project and its environmental impacts, holding over fifty public hearings and meetings and receiving input from local and state agencies, consultants, environmental organizations and the public; and

**Whereas**, during the EIS review period, the Applicants agreed to make certain design changes to the Project, contribute substantial financial resources, increase the size of the parkland and open space, and reduce the density of the residential component of the Project; and

**Whereas**, these design changes were described in the Applicants' Final Environmental Impact Statement ("FEIS") and the accompanying FEIS Alternative Plan which in part: reduced the number of residential units from 1,562 to 1,250, reduced the retail space from 180,000 square feet to 132,000 square feet, reduced the size of the hotel, increased the open space provided for along the Hudson River and within the interior of the Site, and, created an enhanced landscaped buffer area between Kingsland Point Park and the Project; and

**Whereas**, after more than four years of study and analysis, on July 24, 2007, the Board of Trustees pursuant to SEQRA, adopted a Findings Statement for the Project (the "2007 Findings") containing detailed reviews of the potential impacts of the Project on land use, zoning and public policy, ecological resources, economic conditions, cultural and archaeological resources, open space, utilities, traffic and mass transit, and parking conditions, among other matters; and

**Whereas**, incorporated as part of the 2007 Findings, the Board of Trustees imposed numerous conditions and required changes to the Project; and

**Whereas**, following the adoption of the 2007 Findings, GM Corp. commenced an Article 78 proceeding seeking to set aside many of the various conditions imposed by the Board of Trustees; and

**Whereas**, subsequently, Roseland/Sleepy Hollow LLC terminated its agreement with GM Corp. and is no longer the designated redeveloper of the Project; and,

**Whereas**, the current Applicant for the Project is the General Motors Company LLC ("GM") which acquired substantially all of the assets of GM Corp. on July 10, 2009 in a transaction executed under the jurisdiction and pursuant to the approval of the United States Bankruptcy Court for the Southern District of the State of New York.

**Whereas**, on January 8, 2010, the Westchester Supreme Court (Hubert, J.) ruled that "GM's petition seeking to annul various requirements is granted in part, and denied in part"; and,

**Whereas**, discussions have occurred between members of the Board of Trustees and GM in an effort to resolve outstanding legal issues and still satisfy and meet the requirements of the RF Zone and the intended goals of the Village of Sleepy Hollow; and,

**Whereas**, GM, in furtherance of this purpose, has revised its Riverfront Development Concept Plan (the "RDCP") to reflect the required changes as set forth in the 2007 Findings, the Hubert Decision and the discussions referenced above; and,

**Whereas**, the major components of the revised RDCP are summarized below:

- A total of 1,177 condominium, apartment and townhouse residences, of which the apartments will include 40 affordable senior units and 21 affordable Village workforce units;
- Non-residential space consisting of approximately 132,000 square feet of retail space (including ±25,000-square foot market, 18,000-square foot cinema, ±89,000 square feet of shops and restaurants); ±35,000 square feet of office space; a 140-room hotel with meeting space and a ±5,000-square foot restaurant; and the potential for an additional 6,000 square feet of retail/restaurant space along Road A;
- The Village Green, the Waterfront Park and improvements (including any required repairs to the existing riprap shoreline), the Expanded Buffer Area (including an emergency access to Kingsland Point Park), and the Central Park, totalling approximately 16.1 acres of public open space, to

be constructed by GM's designated developer on the West Parcel and dedicated to the Village following its acceptance of same;

- Approximately 28.7 acres of land to be donated by GM to the Village for public use, consisting of 28.3 acres on the East Parcel and 0.4 acres on the South Parcel;
- Roads and utilities within roads on the West Parcel to be constructed by GM's designated developer and dedicated to the Village following its acceptance of same; and
- The reconstruction or upgrade of the Beekman Avenue Bridge to a minimum HS 25 structural standard by GM's designated developer.

**Whereas**, on or about December 14, 2010, a representative of GM did make a detailed public presentation to the Board of Trustees outlining the proposed revisions to the RDCP; and

**Whereas**, on or about December 16, 2010, GM did submit to the Board of Trustees an Environmental Assessment Narrative consisting of a detailed description of revisions to the RDCP, a revised set of RDCP drawings dated 12/03/10, a building tabulation table indicating unit distribution by proposed building and including a notation that as many as 70 percent of the units could be owner occupied, a public open space and public use diagram, a series of conceptual studies and building elevations prepared to provide a visual depiction of building treatments (the Lessard Plans), and a graphic depicting the anticipated changes in the view from Barnhart Park; and

**Whereas**, the Board of Trustees did cause to be circulated the above referenced Environmental Assessment Narrative to all Interested and Involved Agencies and did request that comments be submitted to the Village by January 4, 2011; and

**Whereas**, the Village did receive written correspondence from several Interested and Involved Agencies on the Environmental Assessment Narrative; and

**Whereas**, the Board of Trustees were provided a review of the Environmental Assessment Narrative and process on January 4, 2011 and did discuss the contents of the Environmental Assessment Narrative and comments received with respect to it at a public work session on January 11, 2011; and

**Whereas**, the proposed architectural character of the Project buildings as shown in the Lessard Plans has not changed since submissions made to the Board of Trustees during its deliberations prior to the issuance of the 2007 Findings; and

**Whereas**, the DEIS, FEIS and all other SEQRA documents previously reviewed by the Board of Trustees were incorporated into the Environmental Narrative by reference; and

**Whereas**, the RDCP has been revised from the FEIS Alternative Plan as follows:

A. To comply with operative provisions of the 2007 Findings,

1. Beekman Avenue and its intersection with River Street and the proposed Beekman Place have been changed to "accommodate a roundabout..., an associated green space, and a slight reconfiguration of Building H to provide more building frontage along the aforementioned green space."
  - a. Building H has been reconfigured to remove the driveway opposite the "Village Green"
  - b. Street trees have been added along Beekman Avenue to "visually connect the upgraded Beekman Avenue bridge with the Beekman Avenue/Beekman Place intersection and the Hudson River beyond."
2. Building M has been reconfigured to include an extension of approximately 3,000 square feet of commercial space, with the possibility for an additional 6,000 square feet of commercial space fronting onto Road A and the waterfront open space.
3. The alignment of Road One has been adjusted to accommodate an increase in the minimum building setback to 150 feet and an increase in the width of the Kingsland Point Park buffer area to a minimum of 100 feet.
4. The townhomes along Road One include more of a mix of three - and four-story building heights.
5. Buildings along the Metro-North railroad tracks will have a maximum height of 42 feet.
6. The total public open space and public use areas have been increased from  $\pm 39$  to  $\pm 44.6$  acres, inclusive of an 11.1-acre waterfront open space.
7. The plan has been revised to show the elimination of Building N and the reconfiguration of the site layout along the tracks. This proposed modification has increased the length of Building I. In coordination with these revisions, and to comply with the reduction of 73 residential units required by the 2007 Findings, the heights, layouts, and/or unit counts have been revised in Buildings E and K.

B. To comply with the Hubert Decision,

1. No additional open space is to be reserved for any future extension or estuary of the Pocantico River but the expanded buffer between the

Project and Kingsland Point Park approved by the Hubert Decision is provided;

2. No additional parking is to be provided beyond what was shown in the FEIS Alternative Plan;
3. Public access to the waterfront will be provided as early as practicable in coordination with overall Project construction activities;
4. The Applicant will not provide indemnification to the Village related to any potential residual soil contamination below lands to be dedicated or donated to the Village for public use; and
5. Fee title to the donated waterfront open space will be transferred to the Village from the Applicant.

C. To reflect recent discussions between GM and the Village and still meet the intended goals of the RF Zone,

1. Dependent on future market conditions, GM's future designated developer will endeavor to offer 70 percent of the Project's residential units for sale as condominium units or townhouses and 30 percent as rental units. However, without the consent of the Board of Trustees not less than 60 percent of the units will be offered for sale, and not more than 40 percent will be rental units. To facilitate this increase in the percentage of "for-sale" units from the approximately 50% proposed in the FEIS Alternative Plan, Building E has been divided into Building E1 (to remain as rental) and E2 (to become for-sale) and Building N (formerly rental) has been eliminated, with some of its units being transferred to a larger Building I. Minor adjustments have also been made in the number of units proposed for the other planned residential buildings. This allocation of units between buildings is proposed to be illustrative within the overall total of 1,177 and the for-sale/rental percentages described above, with the exact unit count to be finalized at the time of Site Plan Approval for each building.
2. All roads and utilities within roads on the West Parcel shall be dedicated to the Village following construction by GM's designated developer and acceptance by the Village.
3. The waterfront park and improvements (including an expanded buffer between the Project and Kingsland Point Park), the Central Park, and the Village Green will be constructed by GM's designated developer and dedicated to the Village following its acceptance of same.

4. So as to provide the Board of Trustees with maximum control and flexibility in the expenditure of resources to supply and support public infrastructure and public services directly or indirectly required by or benefiting the Project and its occupants, GM's designated developer will make payments to the Village totaling \$11,500,000. These payments shall be made in accordance with a schedule to be set out in the Special Permit to finance infrastructure, mitigation measures and amenities identified in the FEIS or Findings (or subsequently found by the Board of Trustees to be appropriate to provide public services on account of the Project's development), and shall not be used to pay for any ordinary operating expenses of the Village or the salaries and benefits of the Village employees or to reduce real property taxes.

Such payments are specifically intended to be utilized by the Village to complete the repair or demolition of the East Parcel viaduct, the construction of the DPW and fire/ambulance facilities, and the provision of a low-profile fire-fighting vehicle (or other acceptable fire-fighting measure for the proposed below-grade parking levels). The Village may, at its discretion, fund these actions in whole or in part from other sources. Such payments shall also be made in lieu of GM or its designated developer designing, constructing, or providing the following improvements:

- a. All East Parcel improvements shown on the FEIS Alternative Plan, including, but not limited to,
  - i. the extension of Continental Street,
  - ii. the 150-car parking lot,
  - iii. any and all Recreational facilities,
  - iv. the DPW facility,
  - v. the viaduct repair or demolition,
  - vi. the methane mitigation involving asphalt scarification,
  - vii. the New York State Department of Environmental Conservation ("NYSDEC") approved cap,
- b. Repairs to lighthouse,
- c. Flooding study,
- d. Inter-municipal transit study or funding for an inter-municipal traffic district,
- e. Security camera system,
- f. Downtown Revitalization Corporation contribution,
- g. Pocantico River/estuary watershed study,
- h. Rte. 9 / New Broadway traffic study,
- i. Traffic Signal upgrades, including any at Beekman and Pocantico intersection,
- j. Firehouse/ambulance facility,

- k. Purchase of a low-profile fire-fighting vehicle,
  - l. Extension of Continental Street,
  - m. Arborist for Village
5. In addition to the payments totaling \$11,500,000, a contribution of \$650,000 shall be made by GM's designated developer to the Village for design and construction of the water system upgrades in accordance with a schedule to be set out in the Special Permit; and

**Now Therefore Be It Resolved** that the Village Board has determined that the informational and procedural requirements of SEQR applicable to the revised RDCP Environmental Assessment Narrative have been met, as evidenced by the recitals above, enabling the Village Board to take a hard look at the potential adverse environmental impacts of the Project described in the revised RDCP when compared to the potential adverse impacts of the Project which was the subject of the 2007 Findings; and

**Be it Further Resolved** that having reviewed the DEIS, the FEIS, the Environmental Assessment Narrative, comments received from the public, Interested and Involved Agencies, Village staff and consultants, and upon the entire record of the Proposed Action, the Village Board makes the following findings and determinations pursuant to SEQR and 6 NYCRR, Sections 617.7 and 617.11.

1. All revisions to the RDCP made in response to the 2007 Findings, except potentially one, were made to specifically satisfy the conditions of, or to mitigate impacts described in, the 2007 Findings, and so would not have additional environmental impacts not previously considered by the Board of Trustees. The single revision potentially not associated with a mitigating measure was the change in building heights along the east side of the West Parcel. To reflect the 2007 Findings directive that the buildings along the railroad tracks be set at a maximum height of 42 feet to comply with RF District zoning requirements, Buildings A, I, and E (now E1 and E2) were lowered from five to four stories. As a result of modifying the overall mix of owner occupied versus rental units, Building K was raised from four to five stories to accommodate the typically larger sizes of ownership units.

Figure No. 4 provided in the Environmental Assessment Narrative illustrates the proposed changes to FEIS Section II.F "Visual Resources" View #2 based on the building height adjustments in the revised RDCP. Similar to the FEIS Alternative

Plan, the view from Barnhart Park over the Metro-North railroad tracks will encompass a mixture of four - to five-story buildings visible within the interior of the Site with views of the Tappan Zee Bridge and Hudson River beyond. Buildings A, E (now E1 and E2), and I remain in the foreground and will be reduced in height from five stories to four stories. The rooflines and profiles of the revised buildings are represented by dashed white lines with accompanying annotations. Building I has been lengthened by approximately 122 feet and shifted northward, while Building N is no longer proposed. Building K, located beyond Buildings E1/E2, is proposed to be raised from four to five stories, which is consistent with nearby Buildings F, G, and L which will remain at five stories, or a combination of four and five stories in height. The architectural character and landscape treatment of the revised RDCP has not changed from the FEIS Alternative Plan.

Overall, the view from Barnhart Park of the revised RDCP is similar to that of the FEIS Alternative Plan, and will therefore have no different or greater visual impact than the FEIS Alternative Plan that was the subject of the 2007 Findings.

2. As described above, the Hubert Decision resulted in the annulment of certain conditions imposed in the 2007 Findings. The court after an in-depth analysis of the 2007 Findings concluded that these conditions were not required to mitigate adverse environmental impacts caused by the Project. Consequently, based upon the court's determinations, the changes in the RDCP required by its decision have been judicially found not to have a significant adverse impact on the environment and thus require no further environmental assessment.
3. The revisions to the RDCP resulting from discussions between GM and the Village generally have similar or lesser potential environmental impacts than the Project elements which were the subject of the 2007 Findings:
  - a. Due to the Village's status as an approved assessing unit, GM's proposal to increase the percentage of for-sale units compared to rental units from 50% to 60-70% will have the effect of increasing the Village tax revenue from the additional for-sale units. Based upon the analysis provided in the FEIS Appendix 4, Fiscal Impacts of the Lighthouse Landing Development, the Village-assessed valuation of a for-sale condominium unit was estimated to be approximately double that of a comparably sized rental apartment unit. Village taxes for for-sale units were similarly estimated at approximately double that of rental units. There will be no additional costs to the Village associated with the proposed increase in for-sale units and resultant increase in Village tax revenues. The proposed increase in percentage of for-sale units under the RDCP will therefore have a beneficial fiscal impact on the Village when compared to the FEIS Alternative Plan that was the subject of the 2007 Findings.



A review of the most conservative school age multiplier presented in the EIS indicates that there would be no increase in the number of public school age children as a result of the change in the ownership distribution, and so this proposed change will have no different or greater environmental impact on public school enrolment than the FEIS Alternative Plan that was the subject of the 2007 Findings.

- b. The minor changes to the West Parcel layout to accommodate a right of way easement for unlimited access from the traffic circle at the west end of Road One to the Metro-North railroad tracks consist of the adjustment of the location of Building I and associated site improvements, all of which have been previously reviewed by the Board of Trustees and would not have any different or additional environmental impacts than those previously considered.
- c. The change in the Applicant's obligations from providing or contributing towards certain infrastructure, mitigation measures and amenities identified in the FEIS or 2007 Findings to making a series of payments to the Village to be applied by the Village towards these mitigation measures and amenities as and when needed as the Project progresses does not itself significantly change the extent and nature of the public features to be provided at the Applicant's expense. As this change will provide the Village with more direct control over and flexibility in the design and timing of such features, the corresponding mitigative measures described in the 2007 Findings will be enhanced, and the environmental impacts from the Project will not be significantly different from or greater than those previously considered.

**Therefore, Be it Further Resolved,** that consistent with the categories outlined in the 2007 Findings, the Village Board has evaluated the proposed revisions to the RDCP and makes the following findings: Land Use and Zoning – no change in the potential environmental impacts addressed in the 2007 Findings; Land, Water and Ecological Resources – no change in the potential environmental impacts addressed in the 2007 Findings; Environmental Remediation – the Hubert decision found that the requirement of hold harmless condition and the creation of an estuary/reconnected Pocantico River were not valid mitigation measures, no other changes in the potential environmental impacts addressed in the the 2007 Findings; Socio-economic Conditions – the commitment to change the mix of ownership and rental for residential units is anticipated to increase the projected tax revenue to the Village over that projected in the FEIS; Community Facilities and Services – a comparison of projected public school age children resulting from the revised unit ownership mix reveals that the number of students is consistent with those projected in the FEIS, no other changes in the potential environmental impacts addressed in the 2007 Findings; Historic, Cultural and Archaeological Resources – no change in the potential environmental impacts addressed in the the 2007 Findings; Open Space, Pedestrian Circulation and Visual

Resources – Revised RDCP includes additional open space between Kingsland Point Park and the proposed projects, the change in the mix of units to include a greater mix of ownership units requires Building K to go from 4 stories to 5 stories and was evaluated in paragraph 1 above; Utilities – no change in the potential environmental impacts addressed in the 2007 Findings; Mass Transit – no change in the potential environmental impacts addressed in the 2007 Findings; Traffic and Parking – no change in the potential environmental impacts addressed in the 2007 Findings; Air Quality and Noise – no change in the potential environmental impacts addressed in the 2007 Findings; Construction Impacts – Hubert decision does not require the Applicant to construct recreational facilities as part of Phase 1, no other changes in the potential environmental impacts addressed in the 2007 Findings; Alternatives – no changes in the potential environmental impacts addressed in the 2007 Findings; and,

**Be It Further Resolved**, that the 2007 Findings be, and they hereby are, amended to conform to the Hubert Decision and the recent discussions between GM and the Village as described in the forgoing recitations and as depicted in the revised RDCP, and as so amended be, and they hereby are, confirmed; and

**Be it Further Resolved**, that the proposed revisions to the Project as depicted in the revised RDCP and described in the Environmental Assessment Narrative do not present significant adverse environmental impacts not addressed or inadequately addressed in the DEIS and FEIS, and there are no changes in circumstances or newly discovered information presenting such potential impacts; and,

**Be it Further Resolved**, that the Findings described in this Resolution and the 2007 Findings as amended together be read together, with the Findings in this Resolution to govern should there be a conflict or discrepancy, and confirmed as the 2011 Amended Findings for the Project; and,

**Be it Further Resolved**, that having fully considered the Environmental Record and the Environmental Assessment Narrative, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.7 and 617.11, the Village Board confirms and restates its previous certifications that:

1. The requirements of 6 NYCRR Part 617 have been met and fully satisfied;
2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the proposed Project is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statements; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the

environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Moved: Trustee Schroedel

Seconded: Trustee Wompa

Vote: 6-0

**Meeting Date:** 01/25/2011

**Resolution#:** 01/07/2011

**RESOLUTION SCHEDULING PUBLIC  
HEARING FOR CONCEPT SITE PLAN AND SPECIAL PERMIT  
FOR A PROPOSED ACTION SUBMITTED BY GENERAL MOTORS  
KNOWN AS LIGHTHOUSE LANDING**

**Whereas**, on or about December 14, 2010 an amended application for a Riverfront Development Concept Plan and Special Permit (the Proposed Action) was submitted by the General Motors Corporation (GM) to the Mayor and Board of Trustees of the Village of Sleepy Hollow (VSHBOT), and

**Whereas**, the application amended the previous application submitted by Roseland/GM, in February 2003, which proposed a mixed-use waterfront development project on the 96 ± acres currently owned by GM; and

**Whereas**, Village Code, Section 62.5.1.M directs the VSHBOT hold a public hearing to hear and consider public comments regarding the issuance of Special Permits and Concept Plans with the same notice requirements as are required for changes and/or amendments to the zoning code; and

**Whereas**, a copy of the amended application is available for public inspection at Village Hall;

**Now, Therefore, Be It Resolved**, the VSHBOT does hereby schedule a public hearing to hear and consider comments from members of the public on GM's amended application for a Riverfront Development Concept Plan and Special Permit on Tuesday, February 15, 2011 at 7 p.m. at Village Hall, 28 Beekman Avenue, Sleepy Hollow, New York 10591. Village Hall is accessible to the handicapped.

Moved: Trustee Wompa

Seconded: Trustee Capossela

Vote: 6-0